

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DATREC, LLC,)	
Plaintiff,)	
)	Civil Action No. 1:21-cv-10943
v.)	
)	
MEDICAL INFORMATION)	
TECHNOLOGY, INC.)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

DatRec, LLC (“DatRec”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,156,158 (“the ‘158 patent”) (referred to as the “Patent-in-Suit”) by Medical Information Technology, Inc. (“Meditech”).

I. THE PARTIES

1. Plaintiff DatRec is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, Meditech is a corporation existing under the laws of the State of Massachusetts, with principal places of business located at (1) 7 Blue Hill River Road, Canton, MA 02021; (2) One Constitution Way, Foxborough, MA 02035; (3) 100 & 200 Lowder Brook Drive, Westwood (Lowder Brook), MA 02090; (4) 101 Martine Street, Fall River, MA 02723; (5) 21 Hickory Drive, Waltham, MA 02451; AND, (6) MEDITECH Circle, Westwood, MA 02090. On information and belief, Meditech sells and offers to sell products and services throughout Massachusetts, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Massachusetts and this judicial district. Defendant may be served at its place of business.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Massachusetts and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Massachusetts and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Massachusetts and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Massachusetts and this District.

III. INFRINGEMENT

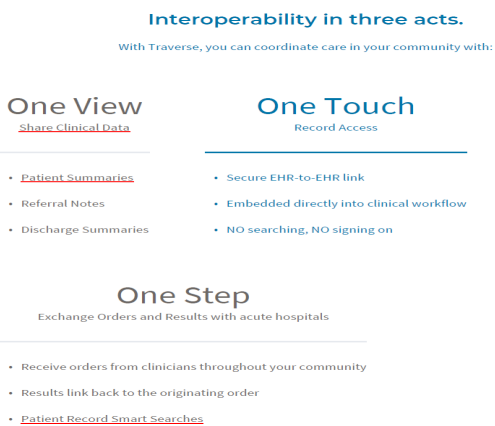
A. Infringement of the '158 Patent

6. On April 10, 2012, U.S. Patent No. 8,156,158 ("the '158 patent", attached as Exhibit A) entitled "Method and System for Use of a Database of Personal Data Records" was duly and legally issued by the U.S. Patent and Trademark Office. DatRec, LLC owns the '158 patent by assignment.


7. The '158 patent relates to a novel and improved manner of constructing a verified database of identified individuals capable of processing with a subgroup of at least one medical application.

8. Meditech maintains, operates, and administers electronic health records that infringes one or more claims of the '158 patent, including one or more of claims 1-23, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '158 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

Claim 1	Medical Information Technology, Inc.
1. A method for using and managing a database, the method comprising:	<p>Plaintiff contends that Meditech provides a system and/or method for using and managing a database:</p>  <p>Attachment 1 (MEDITECH Interoperability) at 2.</p> <p>Source: https://ehr.meditech.com/ehr-solutions/meditech-interoperability</p>

Claim 1	Medical Information Technology, Inc.
	<p>Interoperability is free-flowing information.</p> <p>Neither geographical boundaries nor healthcare organization affiliation should hinder a clinician's access to patient records. That's why, with Traverse, we extend interoperability efforts beyond local affiliations and regional HIEs to all connected practitioners using CommonWell Health Alliance® ².</p> <p>And to extend this reach even further, CommonWell Health Alliance provides the opportunity to connect with Carequality, supporting the exchange of member records with all major EHR vendors.</p> <p>To learn more about how MEDITECH is leveraging CommonWell to help our customers meet new regulatory mandates, watch our AVP of Strategy and Professional Services Larry O'Toole's most recent interview with CommonWell TV ³.</p> <p>Attachment 1 (MEDITECH Interoperability) at 3.</p> <p>Source: https://ehr.meditech.com/ehr-solutions/meditech-interoperability</p> <p>EXECUTIVE SUMMARY</p> <p>MEDITECH's interoperability solutions improve patient care and provide the foundation for a solid population health strategy by supporting the active exchange of EHR data across care settings of all sizes. Our commitment to interoperability includes membership in the CommonWell Health Alliance® and the Argonaut Project, which bring a multitude of exchange possibilities. MEDITECH's interoperability initiatives, when combined, average more than 300 billion data transactions per year.</p> <p>Attachment 2 (MEDITECH and Interoperability) at 2.</p> <p>Source: https://cdn2.hubspot.net/hubfs/2897117/WPs,%20Case%20Studies,%20Special%20Reports/solutionstosupportinteropcare.pdf</p>

Claim 1	Medical Information Technology, Inc.
<p>providing a verified database of a plurality of identified individuals, the verified database comprising a plurality of individual-identifier data sets (IDSs) and relationship data; and</p>	<p>Plaintiff contends that a verified database of a plurality of identified individuals is provided which comprises a plurality of individual-identifier data sets (IDSs) and relationship data. The following exemplifies this limitation's existence in Accused Systems:</p> <div data-bbox="402 485 500 611">  </div> <p>Fewer scanning and transcription errors, as well as reduced denials.</p> <p><u>Patients update their patient, family, and social history;</u> demographics and insurance information; and complete questionnaires online prior to the appointment, leading to quicker processing and intake.</p> <p>Attachment 3 (Patient Engagement) at 3.</p> <p>Source: https://ehr.meditech.com/ehr-solutions/patient-engagement</p> <p>Keep your patients and their records connected.</p> <p><u>There are many different routes that a patient and their records can travel. But no matter what direction your organization wants to go, MEDITECH can help you get there, with interoperability efforts that include:</u></p> <ul style="list-style-type: none"> • Local affiliations and regional HIEs. • All connected practitioners using <u>CommonWell Health Alliance®</u>. ↗ • The opportunity to connect with Carequality via Commonwell Health Alliance, supporting the exchange of member records with nearly all major EHR vendors.

Claim 1	Medical Information Technology, Inc.
	<p>Attachment 3 (Patient Engagement) at 6.</p> <p>Source: https://ehr.meditech.com/ehr-solutions/patient-engagement</p> <p>Source: https://www.hl7.org/implement/standards/product_brief.cfm?product_id=301</p>
<p>processing said verified database in accordance with one or more parameters or conditions selected in accordance with at least one medical application and creating a sub-group database including data records of the individuals from the verified database having said one or more selected parameters or conditions, thereby allowing collection of data comprising one or more selected parameters or conditions and</p>	<p>Plaintiff contends that the verified database is processed in accordance with one or more parameters or conditions selected in accordance with at least one medical application and a sub-group database is created (for example, filtering, sorting, etc.) including data records of the individuals from the verified database having said one or more selected parameters or conditions, thereby allowing collection of data comprising one or more selected parameters or conditions and delivery of at least part of the collected data to one or more users. Further, data from the verified database is applied to provide personalized medicine service to at least one of the identified individuals. The following exemplifies this limitation's existence in Accused Systems:</p> <div data-bbox="397 1283 1260 1667" data-label="Image"> <p>Segmenting and Stratifying Your Patient Populations</p> <p>MEDITECH's Patient Registry product helps organizations segment their patient populations by the criteria most relevant to them, optimizing their effectiveness within their communities of care.</p> <p>Registries may be stratified by health status into broad groups — the healthy (low risk), at-risk (rising risk), chronically ill (moderate to high risk), and critically ill (high to extreme risk). These groups can then be filtered and sorted into smaller, more manageable subsets based on a wide variety of other characteristics, such as age, gender, BMI, smoking status, insurance, provider, and many more. The resulting patient lists can be acted upon immediately or saved for later. This ability to efficiently sort large groups of patients into manageably sized lists with common characteristics allows organizations to create targeted campaigns that align higher cost, higher acuity methods with those patients most likely to respond positively.</p> </div> <p>Attachment 5 (Patient Registries Overview) at 3.</p> <p>Source: https://www.meditech.com/productbriefs/flyers/PatientRegistriesOverview.pdf</p>

Claim 1	Medical Information Technology, Inc.
<p>delivery of at least part of the collected data to one or more users and enable to apply data from said verified database to provide personalized medicine service to at least one of said identified individuals;</p>	<p>The Argonaut Project</p> <p>The Argonaut Project was formed by EHR vendors eager to speed the development and adoption of the <u>HL7® FHIR®</u> standard across the healthcare industry. As the next-generation framework for interoperability, FHIR uses the latest web-based standards.</p> <p>Attachment 2 (MEDITECH and Interoperability) at 3.</p> <p>Source: https://cdn2.hubspot.net/hubfs/2897117/WPs,%20Case%20Studies,%20Special%20Reports/solutionstosupportinteropcare.pdf</p> <p>The HL7 Clinical Genomics Family Health History (Pedigree) Model is a data standard for capturing, within a system, and transmitting family histories between systems. This includes <u>describing a patient's full pedigree (family and familial relationships) with diseases and conditions, and the option to link genetic data and risk analysis</u>. The model has the ability to transmit complete family history information for clinical decision support and risk assessment. The Family History model is approved by the American National Standards Institute (ANSI), is the Healthcare Information Technology Standards Panel (HITSP)-accepted standard, and is in the process of becoming of an international standard through ISO.</p> <p>Attachment 4 (HL7 Standards Product Brief - HL7 Version 3 Implementation Guide: Family History/Pedigree Interoperability, Release 1) at 1.</p> <p>Source: https://www.hl7.org/implement/standards/product_brief.cfm?product_id=301</p>
<p>wherein said providing of the verified database comprises: permitting a plurality of individuals to enter individual-</p>	<p>Plaintiff contends that a verified database of a plurality of identified individuals is provided which comprises a plurality of individual-identifier data sets (IDSs) and relationship data. A plurality of individuals is permitted to enter individual-associated data bits (IDBs) into a computerized system, each of the IDBs comprising at least one personal identifier relating to the individual and relationship data comprising data on one or more related individuals and the nature of relationship. The entered IDBs are processed to generate the IDS, one for each identified individual, being either said individual who has entered the individual-associated data bits or one of the related individuals and construct the verified</p>

Claim 1**Medical Information Technology, Inc.**

associated data bits (IDBs) into a computerized system, each of the IDBs comprising at least one personal identifier relating to the individual and relationship data comprising data on one or more related individuals and the nature of relationship;

processing the entered IDBs to generate the IDS, one for each identified individual, being either said individual who has entered the individual-associated data bits or one of the related individuals and construct the verified database comprising IDSs of identified individuals.

database comprising IDSs of identified individuals. The following exemplifies this limitation's existence in Accused Systems:

Patient Registries and Worklists are rules-based patient lists that are updated in real time as conditions change. Registries are groups of patients who share certain characteristics — conditions, for example, like hypertension or diabetes. Worklists are subsets of those registries, like "diabetics with HbA1c levels over 9% who have not been seen in 90 days" or "patients with BMI scores above 30 who are also smokers." Our registries and worklists display in a dynamic browser-based list that can be sorted and filtered on the fly based on a wide range of criteria. Moreover, users can take immediate action directly from any patient list, route the resulting list to other staff for follow-up, or save it for later processing. With an intuitive, fast, and highly usable web-based interface, our Patient Registry tool is rapidly adopted into the workflow of physicians, nurses, care managers, administrators, and executives alike.

Attachment 5 (Patient Registries Overview) at 2.

Source: <https://www.meditech.com/productbriefs/flyers/PatientRegistriesOverview.pdf>

Quick re-sort by any column header/value

Filter your results (by age, gender, BMI, etc.) then save, route, or take action

Quickly access complete patient records

Elapsed time since the last recorded value

Color coded indicators for abnormal & critical values

Select (multi-select) patients for actions

Patient	Risk Level	Chronic Conditions	HbA1C	Weight	Cholesterol	SBP / DBP	BMI	ACE	ARB	Foot Exam	Tobacco	30 Day Readmit	Remote Monitoring	Depression Screen	CCM	Time
Wardell, Mark	3	2	8.7	288 lbs	160	140/90	38.4	Y								
Wardell, Mark	3	4	8.5	288 lbs	178	140/98	38.0	Y								
Wardell, Mark	4	4	8.7	272 lbs	160	140/90	36.4	Y								
Wardell, Mark	3	3	10.3	220 lbs				Y								
Wardell, Mark	2	4	9.5	198 lbs				Y								
Wardell, Mark	3	4	9.1	200 lbs	164	120/88	33.5	Y								
Wardell, Mark	3	4	9.5	256 lbs	170	140/90	30.4									
Wardell, Mark	2	3	9.1	160	100/90		33.5	Y								
Wardell, Mark	2	2					34.7	Y								
Wardell, Mark	3	4					33.5									
Wardell, Mark	3	4	8.6	198 lbs	170	140/90	30.4									

Claim 1	Medical Information Technology, Inc.
	<p>Attachment 5 (Patient Registries Overview) at 4.</p> <p>Source: https://www.meditech.com/productbriefs/flyers/PatientRegistriesOverview.pdf</p>

10. These allegations of infringement are preliminary and are therefore subject to change.

11. Meditech has and continues to induce infringement. Meditech has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., question and answer services on the Internet] and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–23 of the '158 patent, literally or under the doctrine of equivalents. Moreover, Meditech has known of the '158 patent and the technology underlying it from at least the date of issuance of the patent.

12. Meditech has and continues to contributorily infringe. Meditech has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., question and answer services on the Internet] and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–23 of the '158 patent, literally or under the doctrine of equivalents. Moreover, Meditech has known of the '158 patent and the technology underlying it from at least the date of issuance of the patent.

13. Meditech has caused and will continue to cause DatRec damage by direct and indirect infringement of (including inducing infringement of) the claims of the '158 patent.

IV. JURY DEMAND

DatRec hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, DatRec prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '158 patent;
- b. award DatRec damages in an amount sufficient to compensate it for Defendant's infringement of the '158 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award DatRec an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award DatRec its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g. award DatRec such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ John T. Martin

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A handwritten signature in blue ink, appearing to read 'WPP', followed by a large, stylized loop.

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